



United States  
Department of  
Agriculture

Forest  
Service

Southwestern Region  
Regional Office

333 Broadway SE  
Albuquerque, NM 87102  
FAX (505) 842-3800  
V/TTY (505) 842-3292

File Code: 1570

Date: January 27, 2014

Mr. Jay Lininger  
Center for Biological Diversity  
P.O. Box 1301  
Talent, OR 97540

**CERTIFIED MAIL – RETURN  
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NUMBER: 7000 2870 0000 1135 7050**

Dear Mr. Lininger:

This letter is in response to your December 11, 2013, objection (#14-03-00-0003-O218), filed on behalf of the Center for Biological Diversity, to the Glen Canyon-Pinnacle 345-kV Transmission Lines Vegetation Management Project on the Coconino National Forest. I have read your objection and reviewed the project record and Environmental Assessment, including the disclosed environmental effects. My review was conducted in accordance with 36 CFR 218, Subparts A and B.

On October 27, 2013, Coconino National Forest Supervisor Earl Stewart released a draft Decision Notice and Finding of No Significant Impact (DN/FONSI) for the Glen Canyon-Pinnacle 345-kV Transmission Lines Vegetation Management Project. The purpose of the project is to manage vegetation to reduce risk of wildfire within a 420-foot corridor for the existing 345-kV line traversing the Coconino National Forest. The Proposed Action consists of two primary components: 1.) initial vegetation removal within and adjacent to the rights-of-way, and 2.) vegetation management and right-of-way maintenance for Western Area Power Administration's desired right-of-way condition.

The regulations at 36 CFR 218 provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific issues related to the project, and suggested remedies that would resolve the objection (36 CFR 218.8). The regulations also allow for the parties to meet in order to resolve the issues. Several attempts were made to set up a meeting with you but because of the holidays, we were unable to find a time that was convenient for all parties; therefore, we were unable to resolve your objection.

The Responsible Official and I have reviewed the project in light of the issue presented in your objection letter. A discussion of your issue and suggested remedy follows below.

### **ISSUE REVIEW**

**Issue:** The project violates Forest Plan standards and guidelines for threatened Mexican spotted owl.

**Contention:** You contend that although the modified proposed action, as presented in the draft DN/FONSI, would exclude vegetation management from 100-acre Mexican spotted owl nest



core areas and retain trees larger than 24-inches diameter in restricted (unoccupied suitable) habitat, it nonetheless carries forward conservation measure 33 and its non-binding “recommendation” to retain large trees in protected activity centers (PAC). You argue that it would violate Forest Plan guidelines that allow “harvest” of conifer trees only up to nine inches in diameter within PACs. You conclude that large tree removal may directly affect protected habitat on up to 73.21 acres in “rights-of-way,” and 39.17 acres in “danger tree areas,” in violation of the Forest Plan and the National Forest Management Act (NFMA) [Objection, pp. 2-3].

**Suggested Remedy:** You state that the Center will consider this objection remedied if the final DN/FONSI prohibits cutting or removal of trees larger than nine inches in diameter at breast height within Mexican spotted owl protected habitat.

**Response:** Project conservation measure 33 states, “Trees > 24 inches in diameter at breast height within PACs be retained unless over-riding management situations (i.e., the trees qualify as Hazard vegetation under the 2008 Biological Opinion) require their removal to protect human safety and/or property” [Draft Decision Notice, PR 124, p. 12]. The Coconino Forest Plan, as amended, requires that no trees over nine inches diameter at breast height (dbh) be cut in protected habitat that is within PACs [Forest Plan, replacement page 65-2 (1996)] or on steep slopes over 40 percent [Forest Plan, replacement page 65-3 (1996)]. There is no provision in the Forest Plan to allow harvest of trees, even those identified as hazard trees, over nine inches in diameter in protected habitat or on steep slopes. Therefore, the project must either 1.) include a Forest Plan amendment to allow trees over 9” dbh to be harvested from protected habitat within PACs or on steep slopes over 40 percent; or 2.) the decision must be clarified to not authorize cutting or removal of trees over 9” dbh within Mexican spotted owl protected habitat or on steep slopes over 40 percent and conservation measure 33 must not be included in the final decision for this project.

### **Conclusion**

Based on my review, by copy of this letter the Forest Supervisor may sign a final decision after complying with one of the two following courses of action:

- Prepare a Forest Plan amendment and new draft decision to allow hazard trees over 9 inches in diameter to be harvested from protected habitat within PACs or on steep slopes over 40 percent. The new draft decision must fully comply with public comment and pre-decisional administrative review provisions of 36 CFR 218, Subparts A and B.

Or:

- Prepare a final decision that does not include conservation measure 33 and clarifies that the decision does not authorize cutting or removal of trees larger than nine inches in diameter within Mexican spotted owl protected habitat or on steep slopes over 40 percent.

This response is not subject to further administrative review by the Forest Service or the Department of Agriculture [36 CFR 218.11(b)(2)].

Sincerely,

*/s/ Gilbert Zepeda*

GILBERT ZEPEDA

Deputy Regional Forester

cc: Earl Stewart